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Bound by Gravity or Living in a 'Post Geography Trading World'?* Expert Knowledge and Affective Spatial Imaginaries in the Construction of the UK's Post-Brexit Trade Policy

Gabriel Siles-Brügge

Department of Politics and International Studies, University of Warwick, Coventry, UK

ABSTRACT

A key battle has been fought within the UK cabinet on the direction of post-Brexit trade policy. The opposing sides have favoured either continued alignment or a 'hard' break with the European Union's (EU's) regulatory and customs regime, in the latter case to allow the UK to pursue an independent and ambitious trade policy agenda. Contrary to much commentary on 'post-truth' politics, both sides have relied on rival forms of expertise to support their claims. I argue for the need to not only re-emphasise the malleability and *political* nature of expert knowledge, but also appreciate its emotional bases. The Treasury has led the charge in favour of a softer Brexit by drawing on econometric ('gravity') models that emphasise the economic costs of looser association with the EU. In contrast to this attempt at technocratic legitimisation, the specific legal expertise drawn upon by cabinet advocates of 'hard' Brexit has appealed to an emotive political economy of bringing the UK, and its (in this imaginary) overly regulated economy, closer to its 'kith and kin' in the Anglosphere, deepening the UK 'national business model'. I conclude by calling for more explicitly emotive and values-based argumentation in the public debate on the UK's future trade policy to improve the quality of democratic deliberation.

KEYWORDS

Brexit; trade policy; experts; emotion; Anglosphere

Introduction

Although not at the heart of the European Union (EU) membership referendum vote, trade policy has been central to the post-Brexit vision of leading actors behind the official 'Vote Leave' campaign. To these Conservative Eurosceptics, the EU is a protectionist and over-regulated entity that prevents Britain from embracing its historical free trade vocation and negotiating its own ambitious trade agreements with the world's leading economies. Brexit thus represents an opportunity to deepen the UK's current 'national business model' (NBM) premised on deregulation (Lavery *et al.* 2017; see also Rosamond 2018) – and to anchor this in an outward-oriented trade policy. These views have been subsequently reflected in the UK Government's mantra of a 'Global Britain'. Shortly after the referendum, it established the Department for International Trade (DIT) headed by Liam Fox. Subsequently, in her January 2017 Lancaster House Speech, Prime Minister Theresa May (2017a)

CONTACT Gabriel Siles-Brügge  g.siles-brugge@warwick.ac.uk  Department of Politics and International Studies, University of Warwick, Coventry CV4 8UW, UK

*Fox, L., 2016. Liam Fox's free trade speech. Delivered at Manchester Town Hall on 29 September. Available from: <https://www.gov.uk/government/speeches/liam-foxs-free-trade-speech> [Accessed 21 February 2018].

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spelled out the UK's intention to leave the EU's Single Market and Customs Union to pursue an independent trade policy focused on 'the fastest growing export markets in the world'.

Despite the continued formal commitment to this 'Global Britain' vision, the June 2017 snap election re-opened rifts in the cabinet between advocates of what are often referred to as 'soft' and 'hard' Brexit. Post-Brexit UK trade policy has become a central battleground of these inter-Ministerial conflicts. One wing of the cabinet (most prominently represented by International Trade Secretary Fox, Foreign Secretary Boris Johnson and Environment Secretary Michael Gove) is keen on extricating the UK from the Customs Union and Single Market to allow Britain to pursue the ambitious free trade agreements (FTAs) of Brexiteer imagination. In opposition stand primarily the Treasury and Chancellor of the Exchequer, Phillip Hammond (other opponents also include the Business, Energy and Industrial Strategy Secretary, Greg Clark). They are wary of the costs of leaving the EU customs and regulatory orbit and are sceptical of the supposed benefits of new FTAs and their ability to compensate for lost trading opportunities in the EU (Parker and Wright 2017). These latter views embrace aspects of the UK's current NBM which are anchored in the likes of financial services 'passporting' and the integration of UK manufacturing into EU supply chains.

In this article, I explore this battle by focusing on the role of expert knowledge in discursively legitimating the future direction of the UK's trade policy (and by extension its NBM). Much has been said of the denigration of experts in UK policy discourse around Brexit (e.g. Evans and Menon 2017, pp. 62–63, 108). It has become somewhat of a truism amongst many trade policy commentators to question the Government's 'Global Britain' mantra, the more specific policy orientation of DIT and the competence of its political leadership (e.g. Wolf 2017). What might explain the influence in Government circles of what, to these commentators at least, appear to be such patently 'bad ideas'?¹ One potential answer is offered by Hopkin and Rosamond (2017, p. 3, drawing on Frankfurt 2005), who emphasise the importance of 'bullshit': 'a type of speech act that is not triangulated in relation to the truth and which proceeds without effective concern for the veracity of the claim in question'. Bullshit's simplicity trumps expert opinion where neoliberal depoliticisation processes have robbed political parties of their role in mediating expert opinion and providing an ideological compass to guide voter behaviour (Hopkin and Rosamond 2017). Applied to Brexit and UK trade policy, the argument that Britain, unshackled from Brussels, is now free to engage in ambitious trade negotiations once again might similarly appear appealing and intuitive, even if roundly attacked by trade policy 'experts'.

However, the intra-Government battle on the UK–EU trade arrangement (with its implications for the future of UK trade policy) appears to be informed by two *rival sets of expertise*. The Treasury has traditionally relied on econometric studies using so-called gravity models, more recently also producing 'computable general equilibrium' (CGE) modelling in conjunction with other Government Departments (Giles 2018). These models emphasise the costs of leaving the Single Market/ Customs Union given the proximity and size of the EU market and/or the cost of erecting new tariff and (especially) non-tariff barriers (NTBs) to trade. In contrast, DIT and Liam Fox (and also the Department for Exiting the EU [DExEU] and its Secretary of State, David Davis) are said to have developed a close relationship with a particular think tank, the Legatum Institute (with key individuals from Legatum recently moving to the Institute for Economic Affairs [IEA]). This has proffered (predominantly legal) advice on the possibilities of maintaining regulatory alignment with the EU outside of its structures, enabling the UK to pursue trade liberalisation opportunities elsewhere. While some have been critical of the 'expert' nature of Legatum's advice (e.g. Sandbu 2017), this does not negate the fact that knowledge claims framed as 'expertise' are still informing debates within Government, with 'experts' not being universally derided by pro-Brexit actors.

My central argument is therefore that we need to not only re-emphasise the malleability and *political* nature of expert knowledge, but also appreciate its emotional bases. Drawing on the (social psychological) constructivist work of Widmaier (2010, 2016), I argue that policy-makers have often relied on expert knowledge in an effort at 'technocratic repression', reducing trade policy to matters of economic gains and 'objective' legal pronouncements to avoid more complex (and

emotive) discussions around the values embodied in trade policy-making. This is how the Treasury-advocated models have operated, perpetuating a more 'transactionalist' spatial imaginary premised on the value of the Single Market and Customs Union for the UK's current NBM. In contrast, what has made some forms of expertise so appealing to advocates of hard Brexit within the cabinet is that they appear to have rendered possible trade policy proposals that would (amongst other things) imply closer association with the Anglosphere, at no significant cost to the UK's trading relationship with the EU. Attacking such arguments based on the content of their expert knowledge therefore misses their ultimate appeal to an emotive political economy of bringing the UK, and its (in this imaginary) overly regulated economy, closer to its 'kith and kin', deepening the UK NBM.

The remainder of this article is structured as follows. The following section sets out an affective political economy of expert knowledge, stressing how its 'black box' nature is often the source of 'technocratic repression'. However, expertise can also be grafted onto a set of 'primary', emotive attachments to generate a more persuasive 'cognitive-emotional synthesis' (Widmaier 2010, 2016). The section then highlights how different spatial imaginaries of the UK fare in terms of their underlying emotional content. The third section then explores how 'gravity' and CGE models represent an exercise in 'technocratic repression'. In contrast, and as highlighted in the fourth section, the specific legal-technical arguments offered by the Legatum Institute have sought to graft a series of policy proposals onto the emotive spatial imaginary of the Anglosphere. Legatum has also put forward proposals grounded in a particular reading of international trade law that would allow the UK to both achieve regulatory independence and avoid (or at least minimise) new trade barriers with the EU. Both can be grafted onto hard Brexiteers' emotive, post-Brexit vision, which may explain why the ideas appear to be having some resonance in Whitehall. The article concludes by arguing for the need to recognise the emotional politics of trade policy to improve the quality of democratic deliberation, bringing underlying value systems into the debate rather than enabling 'technocratic repression'.

The Affective Political Economy of Expert Knowledge

My starting point is the premise of much constructivist International Political Economy: the importance of ideas in shaping socioeconomic actors' interests. According to Blyth (2010), actors face a situation of pervasive uncertainty in which they cannot simply read their interests from their material position by assessing the relative probability of certain events occurring (as in situations of 'risk'). In the domain of trade policy, several authors have emphasised the importance of experts in defining what ideas count as 'authoritative' in what is generally recognised to be a technocratised policy field. These prominently include economists (together with econometricians) and lawyers (Hannah *et al.* 2016).

On the former, De Ville and Siles-Brügge (2015, 2016) have drawn on the work of Beckert (2013a, 2013b) into the 'management of fictional expectations'. They argue that CGE models, commonly used to predict the impact of trade agreements, have been a key political tool in promoting the controversial EU-US Transatlantic Trade and Investment Partnership (TTIP). Key political figures presented the results of one CGE model as a 'reliable guide' of the agreement's impact (De Ville and Siles-Brügge 2015, p. 655). This 'fictional expectation' of economic gain – 'fictional', according to Beckert (2013a, p. 226, emphasis in the original, cited in De Ville and Siles-Brügge 2015, p. 657) because it is '*necessarily* wrong because the future cannot be foreseen' – served to hide the potential (and controversial) deregulatory impact of the agreement behind the veneer of expert knowledge. The modelling not only made optimistic assumptions about the ability of the EU and US to eliminate barriers to trade and investment between themselves, but effectively reduced any regulatory differences (whatever their broader social purpose) to being undesirable 'non-tariff barriers' to be eliminated. It also relied on data provided by interested parties (business groups) and downplayed possible distributive impacts by using the device of a single, representative household. The "black box" feel to CGE models [and arguably other forms of econometric modelling] (Piermantini and Teh 2005, p. 10) serves to mask the incredible uncertainty underpinning the model' as well as the

malleability of their results, which are dependent on underlying assumptions and norms (De Ville and Siles-Brügge 2015, p. 658).

From within their own ‘black box’ of legal expertise, trade jurists are often presented as offering settled ‘interpretations’ of what the rules of the global trading system mean (Trommer 2014, p. 7). Some have even spoken of a self-conscious ‘culture of objectivity’ amongst lawyers participating in the WTO’s dispute settlement mechanism (Lang 2016, pp. 141–145). This masks what some scholars suggest is the socially constructed nature of trade law and the role of legal experts in the process. Drawing on pluralist legal theory, Wolfe (2005, p. 348) has highlighted how ambiguities and differing interpretations of WTO law are a normal feature of the system, mediated through ‘a continuous process of social interaction [beyond formal dispute settlement] in which the parties adjust their expectations of each other’. Similarly, political scientist De Ville (2012) has stressed how the formal dispute settlement process of the WTO itself does not impact on domestic regulatory processes in a straightforward fashion. Rather, *particular interpretations* around WTO legal provisions on Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary (SPS) measures (notably the ‘least trade restrictiveness criterion’, or the additional requirement to base regulations on international standards or ‘sound science’ in the case of the SPS Agreement) may be rhetorically deployed by domestic actors seeking deregulation.

These approaches to legal and econometric knowledge highlight the socially mediated nature of expert claims, their malleability (and dependence on underpinning normative frameworks) and the political nature of appeals to objectivity (which rest on obscuring the normative foundations of their expertise, via the ‘black box’ phenomenon). But arguably such constructivist approaches to expertise neglect non- (or pre-) cognitive elements to expertise, which are key to explaining its role in social legitimation. As Widmaier (2010, 2016) has argued, expertise often serves to ‘technocratically repress’ underlying emotions in policy-making, undermining democratic deliberation.

His point of departure is a distinction found in the work of sociologists Berger and Luckmann (1966) between ‘primary socialisation’ – the ‘formation of unconscious and emotional attachments’ during childhood to ‘notions of ethical values, citizenship rights and the role of the state’ (the emotional component of legitimation) (Widmaier 2010, p. 133) – and ‘secondary socialisation’ – the ‘acquisition of role-specific knowledge’ (Berger and Luckmann 1966, p. 138, cited in Widmaier 2010, p. 133) that allows policy-makers to put into effect particular economic policies (the cognitive component of legitimation) (Widmaier 2010, p. 133). Drawing subsequently on the distinction social psychologist Kahneman (2011) has made between “‘fast,” affective thinking’ (which may be ‘precognitive’) and “‘slow,” cognitive reactions’, Widmaier (2016, pp. 16–20) argues that such ‘primary’ values shape the ‘fast thinking’ ‘principled construction’ of political economic orders by political leaders and intellectuals. This is followed by a process of ‘intellectual conversion’ where such ‘primary’ ideas are transformed into the ‘slow thinking’ causal models (and ‘secondary’ knowledge) used by experts to manage the economy (Widmaier 2016, pp. 20–22).

A ‘cognitive-emotional synthesis’ can therefore provide a ‘foundation of state and societal interests’ (Widmaier 2010, p. 133). But a reliance on expert knowledge may also reflect what he refers to as the “‘technocratic repression” of emotional influences from [policy] debate’ (Widmaier 2010, p. 129). This is most clearly observed in the case of economic and legal expertise on trade if we examine the ‘black box’ phenomenon. Technocratic repression is driven by the (unconscious) ‘anxiety’ of policy-makers that there may be a ‘dissonance’ between the ‘emotional’ (primary, fast thinking) and ‘cognitive’ (secondary, slow thinking) bases of socioeconomic legitimation. Widmaier (2010) argues that this risks engendering the sorts of breakdown in policy deliberation also identified by Hopkin and Rosamond (2017) in their writing about political bullshit.

The Affective Political Economy of UK–EU Relations and the Anglosphere

There is one further element to my framework that will tie the literature on expert knowledge and ‘technocratic repression’ to the case of Brexit: the role of different spatial imaginaries of Britain’s

political economy. One much-cited author in this respect is the political economist Gamble (2003, p. 2), who has argued that 'England as an empire state, formed [...] at the meeting point of the four circles of Union, Empire, Anglo-America, and Europe is now reforming and adjusting to new problems and new challenges'. These challenges included the position of the English 'world island' within the EU and Anglo-American political economic spaces. Reflecting similar concerns with space, Baker *et al.* (2002; see also Adler-Nissen *et al.* 2017) identify some of the political economic imaginaries amongst UK elites of Britain's relationship to globalisation and European regionalism. The first is 'hyperglobalisation', the view that 'the correct policy for Britain [...] is to regain parliamentary sovereignty in order to seek to become a deregulated, privatised, offshore island' by leaving the EU and its alien, Social Democratic strictures (Baker *et al.* 2002, pp. 408–410). This is consistent with the intensification of the UK NBM. A second, 'intergovernmental' perspective stresses Britain's interest in remaining in an EU where both national economic sovereignty is preserved and Single Market access guaranteed, consistent with the view that the UK's NBM is well anchored in membership (Baker *et al.* 2002, pp. 410–413).

This points to the two broad imaginaries defining existing controversies surrounding Brexit within the UK Government. Firstly, there are those taking a more 'transactionalist' view of British EU membership, seeing its value largely in terms of UK participation in the Single Market. On the other hand, the growing Thatcherite wing of the Conservative party – which played a key role in the 'Vote Leave' campaign and in the UK Government post-referendum – has increasingly adopted not just the 'hyperglobalist' position identified by Baker *et al.* (2002), but actively embraced a geographic imaginary premised on the Anglosphere (with echoes of both 'Anglo-America' and the Commonwealth). This 'loose' 'political community' of 'English-speaking people' is said to be 'distinguished by a set of institutions and characteristics that the other advanced nations of Europe and Asia lack', namely common law, a concern for property rights, representative democracy and entrepreneurialism (Wellings and Baxendale 2015, p. 123, 125, 129); closer association is said to offer an attractive 'alternative to European integration' (Kenny and Pearce 2018, p. 127). Vucetic (2011, p. 3) has also written of the historical origins of the Anglosphere as a form of 'racialised identity', premised on 'Anglo-Saxonism', identifying a limited Anglosphere 'core' of (white-majority) nations comprising the UK, Australia, Canada, New Zealand and the US. As Kenny and Pearce (2018) point out, there is a long historical lineage and certain malleability to the term, despite its more recent association with neoliberal, Eurosceptic Conservatism.

My argument here is to emphasise the affective political economy of both the Anglosphere and more EU-oriented spatial political economy imaginaries present in UK elite discourse. The former 'supplied a horizon of possibility and affective ideological content for many Brexiteers' during the EU referendum campaign (Kenny and Pearce 2018, p. 157). As Murray-Evans (2016) underscores, Brexit was presented as an opportunity to right the historic 'betrayal' of the Commonwealth brought about by Britain's accession to the European Economic Community. The use of such emotive language points to the important 'geography-psychology link' in British Euroscepticism: while geographically proximate, European nations were perceived as psychologically distant, while the pursuit of 'Britain's global destiny' brought it closer to the peoples of the Anglosphere with which it shared 'cultural and political affinities' (Daddow 2013, pp. 212–213). Relating this to the points made above regarding emotions and expert knowledge, the Anglosphere imaginary increasingly deployed by Eurosceptic Conservatives represents the 'emotional' building block of a possible 'cognitive-emotional' synthesis. In contrast, the more transactionalist imaginary of Britain's continued interest in EU membership lacks such underpinning emotive content; it suffers from 'cognitive-emotional dissonance' that its backers seek to 'technocratically repress' (Widmaier 2010) by invoking expert knowledge on the economic benefits of membership. This may well reflect the long-standing 'anxieties' of British elites in presenting a political, European integration project as anything else than a 'Common (and later, Single) Market' given domestic emotive attachments to such notions as 'parliamentary sovereignty' (Geddes 2013, pp. 19–42, 59–61).

The Inexorable Pull of Gravity?

To understand the role played by expert knowledge in serving this more transactionalist perspective on European integration, I turn to the various forms of econometric modelling used to defend it. First and foremost comes ‘gravity modelling’, often described as the ‘industry standard empirical framework for the analysis of international trade’ (Egger *et al.* 2017, p. 533). As the name suggests, it draws an analogy to physics and the gravitational attraction between two celestial bodies, positing a positive relationship between the geographical proximity and economic size of two trading partners and the volume of trade between them.

In its most basic incarnation, the gravity equation can be stated as (reproduced from Baier *et al.* 2008, p. 467, based on Anderson 1979):

$$PX_{ij} = \beta_0 (GDP_i)^{\beta_1} (GDP_j)^{\beta_2} (DIST_{ij})^{\beta_3} \varepsilon_{ij},$$

where PX_{ij} relates to the value of trade from exporter i to importer j ; $DIST_{ij}$ refers to the distance between the ‘economic centres’ of countries i and j ; ε is the error term and $\beta_1 = \beta_2 = 1$ (indicating a positive and proportional relationship) and $\beta_3 < 0$ (indicating a negative relationship). This specification, however, has been argued to suffer from significant omitted variable biases, skewing the results. One key amendment, introduced to account for the endogeneity² of ‘multilateral resistance’ effects (the trade barriers or costs between a country and the rest of the world),³ has therefore been to estimate country-specific fixed effects using panel data. This accounts for all time-invariant characteristics of country (including size and distance) (Head and Mayer 2013, p. 10).

More significant here, however, is the fact that much gravity modelling of Brexit has drawn on scholarly work seeking to rectify another anomaly: the finding that Economic Integration Agreements (EIAs, a catch-all term covering all preferential trade agreements) have ‘economically and statistically *insignificant* effects [...] on trade’ (Baier *et al.* 2008, p. 464, emphasis in the original). Baier *et al.* (2008) attribute this to another omitted variable bias arising from the endogeneity of EIAs. They argue that this omitted variable might be the ‘intensity of domestic regulations’: restrictive regulation both inhibits trade flows, but also provides an incentive for governments to enter into trade agreements, which biases the error term and thus leads to the ‘underestimat[ion]’ of the effects of trade agreements (Baier *et al.* 2008, p. 480, 482). A similar problem arising from endogeneity identified by others has been ‘reverse causality’ – the extent to which one can disentangle the decision to form a trade agreement from existing levels of trade (HM Treasury 2016, p. 161). To address these problems and separate out the effects that EIAs have on trade flows, gravity modelling of trade agreements has often relied on ‘bilateral fixed effects’ (also known as ‘country-pair’ fixed effects), which account for all time-invariant characteristics of a country-pair, including the (non-)presence of an EIA.

An alternative to gravity estimations is offered by CGE models, which have also been one of the ‘workhorses’ of international economists studying trade agreements (De Ville and Siles-Brügge 2015, pp. 657–658; on the differences to gravity estimation, see Raza *et al.* 2014, pp. 35–46). Rather than estimating the overall effects of such agreements by looking at historical trade flows between country pairs, such models typically rely on numerical estimates of the impacts of tariffs and NTBs *in different sectors*. These are plugged into a ‘general equilibrium’ framework to yield estimates of effects on sectoral but also general trade flows, and by extension GDP and employment. Given the expectations of the Arrow-Debreu theorem, all product, services and labour markets are expected to clear based on the actions of a single, representative and rationally optimising household/individual. The emphasis is placed on the ‘allocative efficiency’ of eliminating trade restrictions caused by tariffs and NTBs, which allows for net welfare gains. While emphasising allocative efficiency rather than ‘gravity’ – and therefore being premised on a different estimation strategy – I should stress that both the gravity and the CGE model underscore the significance of eliminating NTBs as a means of boosting trade flows and enhancing welfare.

Econometric Modelling as Technocratic Repression

Gravity models have played an important role in feeding into the cabinet battles over the future of the UK's trade policy – as well as some public debate. A key paper circulated at the Brexit cabinet subcommittee in October 2016 argued that leaving the EU Customs Union would lead to a long-run reduction in UK GDP of 4.5 per cent (Asthana *et al.* 2016). This was based on the average of three pre-referendum studies that relied on gravity models – by the Treasury, researchers at the National Institute for Economic and Social Research and at the London School of Economics – for a scenario where the UK joined the European Economic Area (EEA) (Dhingra *et al.* 2016, Ebell and Warren 2016, HM Treasury 2016). This arrangement would involve continued participation in the EU Single Market's regulatory space, but not the Customs Union, entailing additional barriers not currently faced by UK firms related to customs procedures and rules of origin (as argued by the Treasury in the run-up to the referendum; see HM Treasury 2016, p. 163). More recent Government analysis of Brexit, the cause of much furore when it was leaked in January 2018, has relied on a new CGE model rather than gravity modelling. Following criticism of the Treasury's earlier 'gravity modelling', this was elaborated on a 'cross-Whitehall' basis by civil servants working not only in the Treasury but also in other Government Departments (Exiting the EU Committee 2018, Giles 2018). In addition to showing significant long-term drops in GDP from a 'hard Brexit', the study found that new trade agreements with third countries would not compensate for lost trade with the EU27 (Exiting the EU Committee 2018, p. 14).

Post-referendum, both the gravity and more recent CGE studies have been reported in Remain-supporting newspapers and touted by similarly inclined think tanks. In addition to the arguments about the costs of leaving the EU Customs Union, gravity modelling has been used to argue against a 'hard Brexit' more generally – both in terms of lost trade flows with the EU and the relatively smaller gains to be had from new FTAs (Ebell 2016) – as well as the need to prioritise the 'roll over' of existing EU FTAs over new trade agreements (Tetlow 2018). Criticism, of both gravity and the more recent CGE model, has largely come from (hard) Brexit supporters (e.g. Rees-Mogg 2017). Grant Lewis and Samuel Lowe (2017) have summarised the mood in much of the pro-Remain commentariat when they stated that '[g]ravity always wins'.

Gravity modelling of Brexit in the run-up to the referendum was remarkably consistent in its results. While there was some variation in the GDP estimates of the three studies mentioned above, zooming in on the trade flow figures does show estimated effects of a very similar order of magnitude for the different scenarios. Differences in output effects from leaving the EU arose mainly because of the different ways in which the broader models fed these trade effects into GDP as well as whether the models considered trade effects on FDI, productivity or migration (see Ebell and Warren 2016, p. 134). A summary of the more recent cross-Whitehall CGE modelling studies, released in March 2018 by the House of Commons Brexit Committee, also showed that the scenarios and findings were broadly in line with these prior gravity studies of Brexit (Exiting the EU Committee 2018, p. 16).

The modellers themselves have also explicitly presented their work as a reliable indication of the effects of leaving the EU, without meaningful 'health warnings'. For example, the executive summary of the Treasury gravity study spoke of a 'rigorous and objective economic analysis [...] us[ing] a widely adopted gravity modelling approach'. With 'a range of realistic assumptions, many of them cautious, the HM Treasury analysis produces robust estimates' (HM Treasury 2016, p. 7; see also Ebell and Warren 2016, p. 123). As for the CGE modelling, the Chancellor has spoken in a positive tone about the 'wholly new model' being built on a 'cross-departmental' basis to assess the sectoral, regional and bilateral impacts of Brexit (cited in Treasury Committee 2017, pp. 23–24).

If we open the modelling 'black box', however, there are grounds to be more careful of the episodic status we accord to these econometric exercises. Notably, we find that the gravity studies discussed above mostly rely on country-pair fixed-effect models – often the Baier *et al.* (2008) article cited above (or in the case of the Treasury, its own, 'comparable' model, HM Treasury 2016,

p. 166). This is despite the history of model specification in shaping the results of estimation – as discussed above with regard to attempts to mitigate omitted variable bias (see also Evenett and Keller 2002).⁴ It is important to underscore that it is specification accounting for endogeneity (e.g. using bilateral fixed effects) that allows modellers to attribute trade creation effects to the formation of EIAs (and trade reduction effects to the likes of Brexit); previous specifications often found (as we have noted above) ‘insignificant’ effects. Moreover, using instrumental variable estimation of endogenous PTA formation with spillovers – i.e. the effects of PTAs on the trade of non-members – leads to different results (with greater variation between country pairs) compared to a bilateral fixed-effects model (Egger *et al.* 2011).

CGE models’ estimations, for their part, depend on calculating the impacts of tariffs and NTBs. For the latter, this is a notoriously subjective exercise, with the modeller exercising considerable discretion within their ‘black box’ (see Raza *et al.* 2014, De Ville and Siles-Brügge 2015). Very little information on the method for calculating NTBs is provided in the summary of the cross-Whitehall study released by the Brexit Committee, although some of the estimates of additional Brexit-induced trade costs have been provided (see Exiting the EU Committee 2018, pp. 6–7, 9). Using very different assumptions regarding the impact of Brexit on trade barriers (albeit with a presumably similar CGE model) – notably that leaving the EU will allow for a reduction in EU-imposed trade costs of 10 per cent in agriculture and manufacturing – Patrick Minford (2016) (from the group ‘Economists for Free Trade’, formerly ‘Economists for Brexit’) has even argued that Brexit will boost the UK’s GDP by 4 per cent. He subsequently wrote a piece entitled ‘Even the new Civil Service approach seems to show the benefit of Free Trade outside the EU Customs Union’, arguing this would be the case if the cross-Whitehall CGE modelling was adjusted to reflect ‘the right policy assumptions’ (those of Economists for Free Trade). He accuses the civil service of using ‘absurdly pessimistic Brexit policy assumptions to “cook” its anti-Brexit results’. Ironically enough, Minford (2018) also provides a defence of the Whitehall’s choice of a CGE approach, referring to it as ‘a defensible and improved methodology’.

My argument is not that such models fail to address omitted variable biases; that ‘gravity’ and NTBs are irrelevant to understanding flows of goods and services across borders or that the Treasury has ‘cooked’ its results. What I am suggesting is that by being presented as reliable estimates of future trends around an event, Brexit, which is marked by considerable uncertainty we are dealing with a *political* phenomenon. On the modeller side (which includes the Treasury), there is a lack of ‘health warnings’ and boasts of ‘reliability’ and state-of-the-art modelling. Newspapers and think tanks have similarly picked up on such studies as pointing to ‘inescapable’ economic forces (Lewis and Lowe 2017, Giles 2018). My argument is that they therefore represent an exercise in ‘managing fictional expectations’ (De Ville and Siles-Brügge 2015).

Crucially, gravity (and CGE) models provide a perspective on European integration that reduces the EU to *just another* (to use Baier *et al.* 2008’s terminology), ‘Economic Integration Agreement’. Granted, these models do recognise that the EU does go further than other EIAs in addressing NTBs, but it is simply seen as part of a wider trend of endogenous EIA formation within the gravity literature – with attendant economic costs from abandoning such a preferential trade arrangement. In contrast, political scientists have fretted for many years over whether the EU represents a *sui generis* form of supranational political organisation (Rosamond 2000, pp. 17–18). Taking the view of the modellers, the EU is reduced to the economic effects of the Single Market and Customs Union, premised on ‘negative integration’ (the removal of barriers to trade, rather than the ‘positive’ construction of a politico-economic space; the typology is from Scharpf 1998). EU regulatory harmonisation serves the exclusive purpose of reducing barriers to exchange rather than the broader political imperatives of the EU’s Single Market Programme and the social, environmental or public health objectives that also came to be associated with it (De Ville and Siles-Brügge 2016, pp. 44–51). The political imperatives driving the Six to choose a supranational form of integration (a customs union with a common agricultural policy) over a free trade area – as happened with the European Free Trade Association states (Gstöhl 2002) – is also neglected in favour of discussions regarding the impact of rules of origin on trade flows.

There is an interesting analogy to be drawn here to attempts by the European Commission to create legitimacy for the EU by constructing a ‘European economic space’ around the conception of competitiveness (Rosamond 2002), or the broader use of the market to craft legitimacy for supranational European institutions (Jabko 2006). These imaginaries rely on the depoliticising language of ‘the market’ (Watson 2017) and have been used to ‘repress’ the distributive impacts of EU external trade liberalisation (Siles-Brügge 2014). In some contexts, however, more emotive argumentation has been used by EU actors where they have spoken of the specificities of the European social market economy in ‘managing globalisation’ (see Jacoby and Meunier 2010).

In the UK, however, the use of trade modelling has reduced European integration to its economic contribution to the NBM, particularly manufacturing supply chains (given the modelling of the effects of leaving the Customs Union) and services (when modelling the impact of leaving the Single Market). This transactionalist view is premised on ‘technocratically repressing’ any potential emotional bases to the EU’s political economy (as well as downplaying any distributive consequences of EU membership). It appears rooted in Britain’s ‘pragmatic and instrumental view of European integration’ in the run-up to and since accession (Geddes 2013, p. 61), finding clear expression in the ‘Remain’ camp’s rhetoric during the 2016 EU referendum campaign. This arguably reflected elite ‘anxieties’ about the disconnect between the European *political* integration project and more British ‘primary’, emotive attachments to such ideas as ‘parliamentary sovereignty’. In contrast, the advocates of ‘hard Brexit’ have found experts willing to transform their ‘primary’, emotive attachment to the Anglosphere into cognitive models allowing them to operationalise an alternative trade policy for the UK.

A ‘Blueprint’ for Trading with the Anglosphere

Part of this effort has been the work of the Legatum Institute – notably that of its Special Trade Commission, created in the aftermath of the referendum result and comprising several former trade policy officials. As opposed to the more critical approach to Brexit taken by other trade policy commentators, the Commission’s self-styled aim is to ‘re-focus the public discussion on Brexit to a positive conversation on opportunities, rather than challenges’ (Legatum 2018). Legatum – and especially Shanker Singham, Legatum’s (now former) Director of Economic Policy and Chairman of the Special Trade Commission – have been widely reported as having considerable influence within Whitehall, particularly within DIT and to an extent DExEU (Leroux and Philp 2017). DIT’s Second Permanent Secretary and Chief Trade Negotiation Adviser Crawford Falconer, appointed in June 2017, is none other than a former member of the Special Trade Commission (HM Government 2017b). He is also said to share the Commission’s optimistic outlook regarding the trade policy opportunities offered by Brexit (Leroux and Philp 2017). Due to the difficulties of researching a sensitive live policy area, the following analysis relies on publicly available sources to highlight similarities between the proposals generated by Legatum and those of Government. It does not rule out additional sources of influence on the UK Government and is primarily focused on illustrating the politicised nature of expert knowledge. In March 2018, Singham and several of his colleagues left Legatum to set up a new ‘International Trade and Competition Unit’ at the IEA (IEA 2018).

Anti-competitive Market Distortions and the Anglosphere

While ‘gravity modellers’ have focused on the impacts that trade barriers have on cross-border trade flows, especially NTBs, the starting point for Legatum’s studies are broader ‘anti-competitive market distortions’ (ACMDs). This is a concept that Singham and other members of the Commission have been developing over several years (Falconer and Sauvé 1996, Abbott and Singham 2013). ACMDs are said to have three principal effects: ‘to limit the number and range of competitors; to restrict the ability of individual companies to compete by artificially increasing their costs or artificially lowering competitors’ costs; and to favour state-owned enterprises’ (Singham and Kiniry 2016, p. 3)

The concept of ACMDs lies at the heart of Legatum's overarching trade policy proposal to create a 'prosperity zone' of 'like-minded countries' (Singham *et al.* 2017a, p. 11). Referred to elsewhere also as a 'Prosperity-Enhancing Partnership', this would involve an 'anti-distortions agreement' 'among countries that are disposed to accept the foundational pillars of classical liberalism – property rights protection, open trade at the border, and competition on the merits inside the border' (Singham and Kiniry 2016, p. 26). It would eliminate tariffs amongst participating countries as well as feature provisions to tackle ACMDs, which 'particularly affect services exports' (Singham *et al.* 2017a, p. 6). The first wave of countries identified for negotiations are none other than a majority of Anglosphere states: the US, Australia, Canada, Singapore, New Zealand ('and possibly Switzerland'), with movement 'gradually towards a Commonwealth Free Trade Zone' (Singham and Kiniry 2016, p. 26, 27). Negotiating an FTA with the US is also identified as a 'stepping stone' towards a larger Prosperity Zone (Singham *et al.* 2017a, p. 12), as is acceding to the Trans-Pacific Partnership (TPP) (Singham 2017, p. 18).

This can be seen as an attempt to operationalise the 'primary' values of key 'hyperglobalists' within the Conservative Party, notably the International Trade Secretary Liam Fox, especially as Singham (2016) was 'reluctantly' supportive of Remain prior to the referendum. The concept of an ACMD as deployed here can be thought of as the 'intellectual conversion' of a primary attachment to the Anglosphere and the political economy model it implies into the 'secondary' knowledge needed to craft specific trade policy proposals (Widmaier 2016, pp. 20–22). In the words of the title of one of Legatum's policy papers, the aim is to provide 'A Blueprint for UK Trade Policy' (Singham 2017).

Such a potential 'cognitive-emotional' synthesis has two elements. Firstly, the ACMD concept offers the promise of a radically different spatial political economy of trade, less tied to geography. It is premised on the idea that 'that the nations of the world are not all equally committed to open trade, competition on the merits as an organising principle, and property rights protection' (Singham *et al.* 2017a, p. 11). What ultimately matters in determining the shape of trade relations with a third party is the degree to which a state shares a commitment to similar notions of political economic order, not its degree of proximity. Similarly, and while he may not have explicitly referred to the Anglosphere, Liam Fox has spoken consistently about 'the beginning of [a] "post geography trading world" where we are much less restricted in having to find partners who are physically close to us' as a result of advances in technology (Fox 2016).

Secondly, the ACMD concept lends itself to the deregulatory agenda associated with 'hyperglobalist' Conservatism. According to Alden Abbott (a member of Legatum's Special Trade Commission) and Singham (2013, p. 26, emphasis added), ACMDs 'involve government actions that empower certain private interests to obtain or retain artificial competitive advantages over their rivals, *be they foreign or domestic*'. While the NTB concept found in gravity and CGE modelling relates to regulatory *barriers* that inhibit *cross-border trade* (and thus add to trade costs in the gravity/CGE frameworks) – and in their broadest sense might be conceived of as meaningful 'regulatory *difference* between countries' (Lang 2011, p. 227, emphasis added) – the notion of an ACMD relates to *any* potential distortion of market competition worthy of elimination.

Legatum's trade policy publications are peppered with references to specific EU ACMDs, notably SPS measures. Here the UK is said to stand to benefit considerably from adopting a science-based approach to risk management by abandoning the EU's precautionary principle (Singham *et al.* 2017a, p. 14). Fox has himself also made remarks on the issue of food safety that seem to suggest he favours a science-based approach. In relation to an EU ban, he has noted that '[t]here are no health reasons why you could not eat chicken that had been washed in chlorinated water [...] [a]s long as scientists tell us it is safe, then I think that should be our guiding principle' (International Trade Committee 2017, p. 11).

While DIT has been more circumspect about deregulation, 'post geography' and Anglosphere-centred thinking have already been reflected in its policy initiatives. As early as March 2017, *The Times* reported on supposed plans to not only negotiate an FTA with African Commonwealth states by a spring 2018 Commonwealth summit (said to have been mockingly dubbed 'empire

2.0' by officials), but also have the 'outlines of deals' with Australia, New Zealand and 'possibly' Canada ready at this stage (Coates and Leroux 2017). DIT has also already established trade policy 'working groups' with all the 'core' (to use Vucetic's description) Anglosphere countries (Australia, Canada, New Zealand and the US) as well as with India – despite calls for it to do more to prioritise 'rolling over' the many trade agreements it currently benefits from as an EU Member State (Blitz 2017, International Trade Committee 2018). There have also been reports of UK exploratory talks to join the TPP and North American Free Trade Agreement (NAFTA) (Mance *et al.* 2018), the former being one of Legatum's specific proposals. This global spatial imaginary is also consistent with the emphasis placed on services trade in the Department's work (and in Legatum's publications; Singham *et al.* 2017a, p. 6, Singham *et al.* 2017b, p. 18). According to Liam Fox, being an advanced, 'services-based' economy means that 'we can afford to seek closer partnerships with those whose demands complement our output, not necessarily those who are geographically proximate' (Fox 2017a).

'Having Our Cake and Eating it': Mutual Recognition/Equivalence

DIT's efforts to explore 'global' opportunities are still at a very early stage. Much more pressing is the future shape of the UK–EU trade relationship, which continues (at the time of writing) to be at the heart of a crucial cabinet divide between advocates of a 'hard' and 'soft' Brexit. Liam Fox has also been one of the most ardent defenders of a 'hard Brexit', emphasising the constraints a closer economic association with the EU would impose on the UK's ability to pursue its future trade policy ambitions (Fox 2018). This is also the view of the Legatum Institute, which has advocated that the first step in the UK's trade policy should be to leave both the Customs Union (to be able to negotiate agreements covering customs duties), as well as the Single Market 'to be able to negotiate services trade deals with other countries' (Singham 2017, p. 5). Doing neither potentially renders Anglosphere-centred trade policy ambitions moot.

This is where Legatum's technical solutions have arguably provided the most immediate 'intellectual conversion' for the reflexive hyperglobalism of certain Conservative Brexiteers. It has sought to counter not only the arguments about the economic costs of increased trade barriers with the EU27, but also to address the concerns that deviating from the EU's regulatory and customs regime will lead to the imposition of a 'hard border' in Ireland (assuming there is not one in the Irish Sea) as customs, veterinary and other regulatory checks will need to take place in accordance with the EU *acquis* (Gasiorek 2018). This is underscored by the commitments undertaken by the UK Government in the first phase of EU withdrawal negotiations to 'maintain full alignment with those rules of the Internal Market and the Customs Union which [...] support North–South cooperation, the all-island economy and the protection of the [Good Friday] Agreement' (EU and HM Government 2017, p. 8). My focus here, for reasons of space, is on the conundrum thrown up by regulatory, rather than customs, issues (although Legatum has also proffered some solutions to these, see Singham and Hewson 2017, pp. 13–18, 22–24).

When it comes to UK trade policy vis-à-vis third parties, issues of regulatory divergence are discussed most prominently with respect to a prospective UK-US FTA. Although the existence and extent of a 'transatlantic regulatory divide' in risk regulation has been much debated in the academic literature (e.g. Young 2009, Vogel 2012), the prospect of a post-Brexit regulatory re-alignment by the UK does underscore certain important differences. The starkest probably relate to the SPS regime, and the differences between the EU's precautionary/hazard-based and the US's 'sound science'/risk-based models, which have significantly inhibited US agricultural exports to the EU. This precautionary/sound science divide also cuts across other areas (such as chemicals regulation). Similarly, the EU and the US have very different approaches to technical standardisation and conformity assessment (De Ville and Siles-Brügge 2016, pp. 68–71).

Legatum's solution to the trade-offs thrown up by these different regulatory models is what it calls a system of 'dual-facing regulation and inter-operability': '[t]he challenge is [...] to agree regulatory

recognition between the UK and EU on the basis that the regulatory systems meet the same objectives, even if the detail of technical regulation diverges'. Crucially, Legatum argues that for some regulation the WTO all but *requires* such mutual recognition/equivalence⁵ under these circumstances (when regulation is covered by the SPS Agreement) – and in other cases at least strongly encourages it (the TBT Agreement) or explicitly allows for it (when dealing with the General Agreement on Trade in Services, '[w]here recognition [...] given to one country [...] must be made available to other countries that meet the same criteria') (Singham *et al.* 2017c, pp. 18–19; see also Singham *et al.* 2017a, p. 48).

However, as Trachtman (2007, p. 787) underscores, '[t]he WTO has itself effected little positive integration, either in the form of harmonization (other than in intellectual property rights) or in the form of requirements of mutual recognition'. Writing specifically about the stipulation in Article 4 of the SPS Agreement referenced by Legatum as compelling recognitions of equivalence, he goes on to argue that 'it is unclear that this provision has had significant effect' (Trachtman 2007, p. 787). Referencing the TBT Agreement, Legatum itself recognises that 'the prospect of [...] claims [due to non-recognition of equivalence] remains relatively remote at this stage', although it is quick to stress that 'business organisations [...] are already using WTO agreements for additional leverage' (Singham *et al.* 2017a, p. 49). This broader political context, however, is generally masked, by making repeated appeals to the text of WTO agreements without much further clarification. What, understood in their appropriate socio-legal context, are a series of provisions with little political repercussions (so far) for the regulatory systems of WTO members are thus treated as a 'black box' of 'objective' law to which the UK as a member may have recourse post-Brexit to pursue its desired trade policy.

Despite their limitations, such legal arguments appear to be reflected in the specific policy variant adopted by key figures in the UK Government of the 'having your cake and eating it' approach heard prominently since the referendum campaign (Elgot and Rankin 2016): that the UK can maintain its current trading arrangements with the EU without being a member and at little to no cost. It is premised on the idea that instead of pursuing the EU's supposedly preferred mode of regulatory cooperation premised on harmonisation – the adoption of a common standard within the Single Market – the EU and UK should (in many areas) simply aim for the mutual recognition/equivalence of substantive standards and conformity assessment. This is said to be a key part of the Government's 'three buckets' approach to Brexit, first outlined in Theresa May's September 2017 Florence speech but subsequently also agreed at the February 2018 Chequers meeting. Amongst other things, the speech outlined one bucket of rules 'where we share the same [regulatory] goals but want to achieve them through different means'. According to reports of the Chequers meeting, mutual recognition of EU and UK rules is meant to prevail here (May 2017b, Parker and Barker 2018, see also May 2018).

Turning to the conundrums thrown up by the Irish border, shortly before the phase 1 UK–EU agreement David Davis stressed that '[a]lignment isn't harmonisation. It isn't having exactly the same rules. It is sometimes having mutually recognised rules, mutually recognised inspection – that is what we are aiming at' (Davis 2017, cited in Asthana *et al.* 2017). This echoes DExEU's August 2017 Brexit position paper on 'Northern Ireland and Ireland', in which it pitched the idea of 'regulatory equivalence on agrifood [SPS] measures' (HM Government 2017a, p. 19). A similar approach to mutually recognising financial services regulatory and supervisory arrangements is also being contemplated by the Government. Although this is based on a specific proposal developed by the International Regulatory Strategy Group (Parker and Brunsden 2018), Legatum has also produced similar proposals based on 'dual regulation coordination' (Singham *et al.* 2017b, p. 5). Finally, the UK's trade policy towards non-EU parties also appears to be premised on promoting such mutual recognition/equivalence as opposed to harmonisation (see International Trade Committee 2017, p. 14, Fox 2018).

Conclusion

Battles within the UK Government on the nature of the UK's trading relationship with the EU and the wider world have involved appeals to rival forms of 'expertise' and affective spatial political economies. This might confound the expectations of a number of commentators and scholars of the post-Brexit landscape, described as 'post-truth', hostile to experts and marked by an appeal to 'political bullshit' (Hopkin and Rosamond 2017). This article has stressed the malleability and political use of expert knowledge, emphasising the importance of understanding its emotional underpinnings. It has argued that despite being derided in some quarters, the legal arguments (about mutual recognition/equivalence) and concepts (such as ACMDs) offered by key individuals at Legatum provided for the cognitive 'intellectual conversion' necessary to turn hard Brexiteers' emotive, 'primary' attachment to the Anglosphere into specific trade policy proposals. This is not a comment on the feasibility of such proposals, but rather a statement on how they provide a persuasive 'cognitive-emotional' synthesis for key political actors within the UK Government formulating post-Brexit trade policy (although the article has not sought to argue that this is the only source of influence on hard Brexiteers in the Government). The appeal to 'gravity' and the EU as a project of negative economic integration premised on the elimination of NTBs, tariffs and rules of origin – on the other hand – suffers from being an exercise in 'technocratic repression' that lacks such a powerful emotive basis.

A clear outline of the UK's post-Brexit trade policy will likely still take some time to emerge as these intra-Government battles are fought out and the UK negotiates with the EU27. But whether the UK Government goes down the 'Global Britain' path of deepening the deregulatory aspects of the UK's NBM, chooses a softer Brexit and maintains much of the *status quo* or does something else altogether will likely depend less on the 'intellectual garbage disposal' efforts of experts (Portes 2017) and more on whether the policies pursued appeal to the 'primary', emotive attachments of policy-makers and the public. While trade policy did not have the prominence of immigration during the referendum campaign, it is an issue with the potential to be politicised. None other than Liam Fox has stressed that 'we need to sell our vision and our mission to a public that is often either unaware or sceptical about the benefits of free trade, and [...] we have to go beyond the simple economics into [a] moral argument' (2017b). He has also invoked the legitimisation issues that plagued TTIP (see Elgot 2017). Here civil society organisations were successful at contesting the agreement precisely because they appealed to individuals' sense of anger with an 'injustice frame' premised on the threat the agreement posed to democracy (including democratically established levels of social, environmental and consumer protection) (Siles-Brügge 2018). Moreover, the 'hard Brexit' favoured by Fox and others raises not only such 'normative' policy considerations, but also 'distributive' questions (see De Ville and Siles-Brügge 2016, p. 100). It potentially favours interests that would benefit from deregulation (e.g. some in the City, see James and Quaglia 2018) at the expense of others, including farmers exposed to increased competition and manufacturing industries and their workers excluded from EU supply chains. The potential for politicisation here is also clear given that the pro-Brexit referendum result involved a 'coalition' 'between two largely antithetical positions often seen as ideological rivals': the economic nationalist rhetoric ('taking back control') swaying the 'left behind' and hyper-globalist Euroscepticism (Adler-Nissen *et al.* 2017, p. 582).

Talk of 'kith and kin' has so far obscured deregulatory intentions and 'Global Britain's' potentially disruptive distributive impacts. A 'neo-Thatcherite idea of Brexit [...] has been rendered considerably more palatable [...] when presented through the narrative and ethos of the English-speaking peoples' (Kenny and Pearce 2018, p. 172). Against this, appealing to the 'immutable' forces of 'gravity' lacks the resonance to engage the public in discussions about trade policy, as it revolves around a very 'transactionalist' spatial imaginary of Britain's place in the EU. It also 'technocratically represses' the discussion of the economic dislocation caused by trade liberalisation by, at best, reducing it to the trade and GDP impact of Brexit on the UK regions, often framed in terms of the 'irrational' behaviour of 'Leave' voting areas acting against their material economic interest (Perraudin 2017).

Arguments are needed that bring policy-makers' and politicians' underlying value systems (the fruit of 'primary', emotive socialisation processes) out into the open and are thus more conducive to democratic deliberation. Critics of hard Brexit wishing to dent the appeal of the Anglosphere could focus on exposing how its recent embrace by Eurosceptics is bound up in a deep-seated commitment to the unbridled free market capitalism associated with the 'English-speaking peoples'. This might involve crafting an emotive 'injustice frame' that emphasised the implications of adopting such a political economic model for peoples' everyday lived experience: from regulations governing the protection of natural spaces to food safety standards and the impact of economic dislocation on peoples' livelihoods – aiming to elicit the sort of anger that made the TTIP protests successful.⁶ Expertise should go beyond calling 'bullshit' to exposing this 'Brexit dividend' (Ganesh 2018).

Notes

1. For more on the literature on 'bad ideas' in public policy, see Hopkin and Rosamond (2017, p. 3).
2. Endogeneity refers to where the error term is correlated to one of the explanatory variables, leading to biased estimation.
3. The economic size of a country is not unrelated to its sensitivity to increased trade barriers on trade flows (Anderson and van Wincoop 2003, p. 171).
4. I would like to thank Bernhard Tröster for his help on this point.
5. Strictly speaking, mutual recognition (the reciprocal acceptance by two parties of their respective rules) can be differentiated from equivalence (which refers to the acceptance by one party of the rules of another). However, both terms imply accepting that 'although different in form [the rules] [...] are equivalent in effect' (Young 2017, p. 42) and are often used interchangeably (De Ville and Siles-Brügge 2016, p. 144).
6. Such arguments have begun to be articulated by NGOs previously critical of the TTIP negotiations (e.g. Trade Justice Movement 2017).

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Notes on contributor

Gabriel Siles-Brügge is Associate Professor in Public Policy at the University of Warwick. His current research focuses on civil society contestation of trade agreements, the role of emotion in trade and investment policy and the political economy of Brexit. He is the (co-)author of *Constructing European Union Trade Policy* (2014, Palgrave Macmillan) and *TTIP: The Truth about Transatlantic Trade and Investment Partnership* (2016, Polity). He tweets under @GabrielSilesB.

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